

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of U S WEST, INC. and)
QWEST COMMUNICATIONS)
INTERNATIONAL INC.) DOCKET NO. UT-991358
)
for an Order Disclaiming Jurisdiction, or in) COMMISSION STAFF'S MOTION
the Alternative, Approving the U S WEST,) TO COMPEL DISCOVERY
INC. -- QWEST COMMUNICATIONS)
INTERNATIONAL INC. Merger)
.....)

I. INTRODUCTION

Commission Staff files this motion to compel discovery under WAC 480-09-480. That rule provides that discovery disputes “may be brought on by motion and will be heard at the earliest reasonable time.” *Id.* at 7. This motion to compel identifies only those data requests to which responses are outstanding and overdue. Commission Staff is prepared to file a second motion to compel more definite and complete responses to an additional 16 of its data requests to U S West and Qwest if supplemental responses to those requests are not submitted in a timely manner.

II. RESPONSES TO DATA REQUESTS OUTSTANDING AND OVERDUE

To date, U S West and Qwest have not provided responses to the following data requests:

DATA REQUESTS	RESPONSE DUE DATE
WUTC Data Request No. 37	October 26, 1999
WUTC Data Request No. 57	November 2, 1999
WUTC Data Request No. 63	November 2, 1999

WUTC Data Request No. 64	November 2, 1999
WUTC Data Request No. 65	November 2, 1999
WUTC Data Request No. 83	November 2, 1999
WUTC Data Request No. 85	November 2, 1999
WUTC Data Request No. 86	November 2, 1999
WUTC Data Request No. 88	November 2, 1999
WUTC Data Request No. 90	November 2, 1999
WUTC Data Request No. 93	November 2, 1999
Public Counsel ¹ Data Request No. 27	October 20, 1999
Public Counsel Data Request No. 29	October 20, 1999
Public Counsel Data Request No. 30	October 20, 1999
Public Counsel Data Request No. 35	October 20, 1999
Public Counsel Data Request No. 46	October 21, 1999

III. THE DATA REQUESTS

The text of each data request listed above is set forth below:

WUTC Data Request No. 37:

For each regulatory jurisdiction in which they operate, provide a list of complaints that have been registered against Qwest Communications International, Inc., Qwest Communications Corporation, and each of Qwest's subsidiaries.

WUTC Data Request No. 57:

Does Qwest own any facilities in Washington? If so, please describe such facilities and where they are located.

¹As Commission Staff indicated in its Request for Continuance filed with the Commission on November 4, 1999, Staff refrained from issuing certain data requests duplicative of those issued by Public Counsel, relying instead on the companies' responses to Public Counsel Data Requests Nos. 27, 29, 30, 35, and 46.

WUTC Data Request No. 63:

Provide statistics regarding complaints filed by customers in Washington directly with Qwest for years ending June 1999, 1998, 1997, and 1996 to date. Identify complaints by subsidiaries and/or affiliates such as Qwest, LCI, USLD, US Long Distance, and Phoenix Network.

- a. For each of the above, provide information by type of complaint such as slamming, cramming, customer relations, held orders/delay in service, repair problems, out of service, network congestion, billing disputes, etc.
- b. For each of the above, provide the number of Washington access lines per subsidiary and/or affiliate.

WUTC Data Request No. 64:

Between 1998 and 1999 complaints registered with the WUTC have nearly doubled for Qwest. Explain why the increase has occurred.

WUTC Data Request No. 65:

Provide statistics regarding complaints filed by customers in Washington directly with U S WEST for years ending June 1999, 1998, 1997, and 1996 to date. Identify complaints by subsidiaries and/or affiliates.

- a. For each of the above, provide information by type of complaint such as slamming, cramming, customer relations, held orders/delay in service, repair problems, out of service, network congestion, billing disputes, etc.
- b. For each of the above, provide number of Washington access lines per subsidiary and/or affiliate.

WUTC Data Request No. 83:

Please provide the number of repair technicians that are full time employees of U S WEST for the purpose of answer repair calls and installation of new service. Please provide this information for the past five years.

WUTC Data Request No. 85:

At what point does U S WEST plan for reinforcement of its facilities? Please provide detailed information on the project management cycle for reinforcement of facilities?

WUTC Data Request No. 86:

What types of information does U S WEST have on its facilities (i.e., age, location, number of trouble reports, amount of money expended to maintain, capacity versus spare capacity, etc.)?

WUTC Data Request No. 88:

How many supervisor referrals are received? What is the response time for supervisors to return calls to the customers?

WUTC Data Request No. 90:

Please provide data on the number of customer service personnel available to answer the customer service lines over the past 5 years by month for the state of Washington.

WUTC Data Request No. 93:

The WUTC has identified a significant increase in the length of time U S WEST takes to resolve consumer complaints filed at the Commission. Please provide the following:

1. Number of commission complaints received by U S WEST for 1997, 1998, and 1999 to date.
2. Number of staff at U S WEST that handles Commission complaints.
3. Average initial response time for these complaints.
4. Average interim response time for these complaints.
5. What plans are being made to improve responsiveness in handling Commission complaints?

Public Counsel Data Request No. 27:

What Washington service quality reporting and monitoring is performed by US West in the normal course of business for purposes other than regulatory reporting? Please provide copies of all statistical reports and comparative analyses for calendar years 1997, 1998, and 1999 to date relied upon for such internal reporting and monitoring and explain the Company's assessment of trends and performance with respect to Washington service quality in relation to such information.

Public Counsel Data Request No. 29:

Please provide the Company's records of performance against WAC 480-120-515(1)(a) by month for the years 1995 to 1999 to date.

Public Counsel Data Request No. 30:

Please provide the Company's records of performance against WAC 480-120-520(8) by month for the years 1995 to 1999 to date.

Public Counsel Data Request No. 35:

Please describe the efforts the Company has taken since the completion of UT-970766 to inform customers of the availability of the customer service program. Please provide all documentation supportive of your answer.

Public Counsel Data Request No. 46:

At page 6 of the testimony of Mr. Paul Gallant is the statement, "Thus, administratively, the merger will be transparent to Qwest's and U S WEST's respective customers, and neither will experience any degradation of services as a result of the merger." Please provide the following:

1. Please define the phrase "degradation of services" as used in this context. Is this reference intended to address quality of service? Please explain.
2. Please provide quantitative and qualitative measures of the service quality now being provided in Washington.
3. Is the merger anticipated to improve the quality of service in Washington or simply result in maintaining existing service quality with no degradation in service? Please explain with specificity any anticipated favorable effect of the merger on service quality.
4. How much will discrete quantitative measures of service quality be improved in Washington as a result of the merger?

IV. CONCLUSION

It is undisputed that the companies have failed to comply with the requirements of WAC 480-09-480. U S West and Qwest should be ordered to respond to the unanswered data requests

identified in this motion to compel.² Receipt of those responses (along with a meaningful opportunity to analyze those responses) is central to the presentation of Staff's case. Staff's case should not be compromised in favor of U S West and Qwest who have retreated from their prior commitment to provide timely discovery in this proceeding.

Respectfully submitted this 10th day of November, 1999.

CHRISTINE O. GREGOIRE
Attorney General

SALLY G. JOHNSTON
Assistant Attorney General
Counsel for Commission Staff
1400 S. Evergreen Park Dr. SW
Olympia, WA 98504-0128
(360) 664-1193

²Commission Staff will keep the Commission apprised of the status of discovery in this case on an ongoing basis.